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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,944

11/18/2003

Mike Pell

13768.453

4451

47973 7590 01/25/2007
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EXAMINER

BALAOING, ARIEL A

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

01/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,944

Applicant(s)

PELL ET AL.

Examiner

Ariel Balaoing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 36-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 36-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1:121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-5, 36-45 have been considered but are moot in view of the new ground(s) of rejection.

2. Claims 1-5, 36, 37, 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over SANKURATRIPATI et al (US 2002/0029267 A1) in view of SUGIARTO et al (US 6,278,449 B1) and FANO et al (US 2002/0133545 A1).

Regarding claim 1, SANKURATRIPATI discloses a method of a server [ad server] selecting an interface that controls presentation of information to be delivered to a mobile user (abstract; paragraph 15-18, 59, 81), based on an identification of a user and at least one of user preferences and usage data so as to deliver information that is contextually relevant to the user, (abstract; paragraph 15-18, 76-81; interface data includes the use of banner ads, pop-up text ads, graphical and text only ads, etc.), comprising: the server receiving information identifying a physical location of a mobile device that is being used by a mobile user (paragraph 40-42; location information of user is obtained using demographic data); the server receiving information identification of the mobile user from the mobile device (paragraph 15-18, 41, 59, 81); the server retrieving aggregate user preference data based on the received identification of the mobile user, wherein the aggregate user preference data corresponds to at least one of user preferences or prior usage data (abstract; paragraph 11-15, 19, 29); and the server selecting at least one user interface, from a plurality of user interfaces, to be communicated to the mobile device of the mobile user based on determining which of

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the plurality of user interfaces are relevant according to at least the aggregate user preference data and the identified physical location of the mobile device, and such that the presentation format of the additional information is based on at least the aggregate user data and the physical location of the device (abstract; paragraph 15-18, 76-81; interface data includes the use of banner ads, pop-up text ads, graphical and text only ads, etc.). However, SANKURATRIPATI does not expressly disclose the server selecting at least one mobile device template for controlling the presentation of additional information at the mobile device, including a presentation format according to which the additional is displayed. SUGIARTO discloses a server selecting at least one mobile device template for controlling the presentation of additional information at the mobile device, including a presentation format according to which the additional is displayed. (abstract; col. 2, line 5-51). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SANKURATRIPATI to include a template for controlling information presented to a user, as taught by SUGIARTO, since SUGIARTO states on col. 2, line 40-43, that such a modification would allow a user to decrease the time necessary to obtain wanted information while reducing the amount of received, unwanted information. It is further noted that the use of a graphical user interface would necessitate the use of a template of some form. However, the combination of SANKURATRIPATI and SUGIARTO does not expressly disclose identifying a current physical location of a mobile device; selecting a mobile device template according to an identified current physical location of the mobile device, and such that a presentation format of the additional information is

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based on the current physical location of the mobile device. FANO et al discloses identifying a current physical location of a mobile device; selecting a mobile device template according to an identified current physical location of the mobile device, and such that a presentation format of the additional information is based on the current physical location of the mobile device (abstract; Figure 4; paragraphs 42-44). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SANKURATRIPATI and SUGIARTO to include the teachings of FANO, since FANO states that such a modification would allow a user to determine locally available services.

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although SANKURATRIPATI discloses the use of rendering the information to be provided to the mobile user (paragraph 70, 81), and sending the rendered information to a browser associated with a mobile user (paragraph 78, 80, 81). SANKURATRIPATI does not expressly disclose wherein the rendered information is sent to a mobile browser of a mobile communication device. SUGIARTO discloses wherein rendered information is sent to a mobile browser of a mobile communication device (12-Figure 1; col. 4, line 36-58). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SANKURATRIPATI to render information on a mobile browser, as taught by SUGIARTO, as the use of a mobile browser to access internet applications is well known in the art and could be used to acquire location and time based information.

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SANKURATRIPATI further discloses further comprising sending the information to a mobile carrier to be pushed to a mobile communications device associated with the mobile user (paragraph 30-32; as disclosed, the advertisement servers can be separate from the service carrier, and therefore it would be necessary to send advertisements to service carrier to be pushed to the user).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SANKURATRIPATI further discloses wherein rendering the information is based at least in part on an identification of the mobile communication device (paragraph 70, 78, 81).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of SANKURATRIPATI, SUGIARTO and FANO further discloses the server retrieving a user profile associated with the mobile user (SANKURATRIPATI - paragraph 72-74, 78); wherein selecting the at least mobile device template (SUGIARTO - col. 2, line 5-51) to be communicated to the user is further based on the user profile (SANKURATRIPATI - paragraph 72-74, 78).

Regarding claim 36, the combination of SANKURATRIPATI, SUGIARTO and FANO further discloses wherein selecting the at least one user template (SUGIARTO - col. 2, line 5-51) to be communicated to the user is further based on the time indicator (SANKURATRIPATI - paragraph 49, 78).

Regarding claim 37, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SANKURATRIPATI further discloses wherein

selecting at least one interface to be communicated to the user is further based on the physical location of the user (paragraph 42, 78).

Regarding claim 41, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of SANKURATRIPATI, SUGIARTO, and FANO further disclose the server detecting a change in a current physical location of the mobile device (FANO - abstract; Figure 4; paragraphs 42-44); and the server, in response to detecting the change, providing a new mobile device template to the mobile device, wherein the new mobile device template is used to present new information to the user at the mobile device according to a different presentation format (FANO - abstract; Figure 4; paragraphs 42-44).

Regarding claim 42, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, SANKURATRIPATI does not expressly wherein the at least one mobile device template comprises at least two mobile device interfaces. SUGIARTO discloses wherein the at least one mobile device template comprises at least two mobile device interfaces (abstract; Figure 3; col. 2, line 5-51). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SANKURATRIPATI to include a template for controlling information presented to a user, as taught by SUGIARTO, since SUGIARTO states on col. 2, line 40-43, that such a modification would allow a user to decrease the time necessary to obtain wanted information while reducing the amount of received, unwanted information.

Regarding claim 43, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SANKURATRIPATI further discloses wherein the aggregate user preference data includes at least computer usage data corresponding to a user's tracked usage on a device other than the mobile device (paragraph 29, 41, 70; user logs on to subscribed server, which tracks usage on any device and stores the user preference).

Regarding claim 44, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, SANKURATRIPATI does not expressly wherein the at least two mobile device templates are blended to present the additional information at the mobile device. SUGIARTO discloses wherein the at least two mobile device templates are blended to present the additional information at the mobile device (abstract; Figure 3; col. 2, line 5-51). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SANKURATRIPATI to include a template for controlling information presented to a user, as taught by SUGIARTO, since SUGIARTO states on col. 2, line 40-43, that such a modification would allow a user to decrease the time necessary to obtain wanted information while reducing the amount of received, unwanted information.

Regarding claim 45, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, SANKURATRIPATI does not expressly disclose wherein the user mobile device template to be communicated controls additional information other than advertising. SUGIARTO discloses wherein the user mobile device template to be communicated controls additional information other than

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advertising (abstract; col. 2, line 5-51). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SANKURATRIPATI to include a template for controlling information presented to a user, as taught by SUGIARTO, since SUGIARTO states on col. 2, line 40-43, that such a modification would allow a user to decrease the time necessary to obtain wanted information while reducing the amount of received, unwanted information.

Regarding claim 46, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of SANKURATRIPATI, SUGIARTO, and FANO further disclose in a mobile communication system in which a server communicates with a mobile device, a computer program product comprising computer readable storage media having computer-executable instructions stored thereon for implementing the method of claim 1 (SANKURATRIPATI – abstract; SUGIARTO – abstract; FANO - abstract).

3. Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over SANKURATRIPATI et al (US 2002/0029267 A1) in view of SUGIARTO et al (US 6,278,449 B1) and FANO et al (US 2002/0133545 A1), and in further view of GERDES et al (US 2003/0046541 A1).

Regarding claim 38, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although SANKURATRIPATI discloses detecting identification of the mobile user (paragraph 15-18, 41, 59, 81), the combination of SANKURATRIPATI, SUGIARTO, and FANO does not disclose wherein receiving the identification of the mobile user includes receiving a PUID. GERDES discloses wherein

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receiving the identification of the mobile user includes receiving a PUID (paragraph 7). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SANKURATRIPATI, SUGIARTO, and FANO to include various identification methods, as taught by GERDES, as any identification system can be used in the disclosure of SANKURATRIPATI and the use of well known identification methods would be a design choice of the system administrator.

Regarding claim 39, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although SANKURATRIPATI discloses detecting identification of the mobile user (paragraph 15-18, 41, 59, 81), the combination of SANKURATRIPATI, SUGIARTO, and FANO does not disclose wherein receiving the identification of the mobile user includes receiving a PIN. GERDES discloses wherein receiving the identification of the mobile user includes receiving a PIN (paragraph 55). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SANKURATRIPATI, SUGIARTO, and FANO to include various identification methods, as taught by GERDES, as any identification system can be used in the disclosure of SANKURATRIPATI and the use of well known identification methods would be a design choice of the system administrator.

Regarding claim 40, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although SANKURATRIPATI discloses detecting identification of the mobile user (paragraph 15-18, 41, 59, 81), the combination of SANKURATRIPATI, SUGIARTO, and FANO does not disclose wherein receiving the identification of the mobile user includes receiving a MSISDN of the mobile device.

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GERDES discloses wherein receiving the identification of the mobile user includes receiving a MSISDN (paragraph 53). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SANKURATRIPATI, SUGIARTO, and FANO to include various identification methods, as taught by GERDES, as any identification system can be used in the disclosure of SANKURATRIPATI and the use of well known identification methods would be a design choice of the system administrator.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-

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7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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